

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

patent application of:)
David W. Burke et al.) Before the Examiner
Serial No. 10/687,850) Not Yet Assigned
Filed October 17, 2003) Group Art Unit 3736
SYSTEM AND METHOD FOR)
ANALYTE MEASUREMENT)
EMPLOYING MAXIMUM DOSING)
TIME DELAY) February 11, 2005

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The PTO did not receive the following
listed Items(s) Some FDRs and NPLs

Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation Form. This information has not been previously submitted in this application, and has not been heretofore cited previously by the Examiner. Copies of all foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a). Copies of cited U.S. patents and patent applications are not enclosed pursuant to 37 CFR 1.491(b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Troy J. Cole

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Signature

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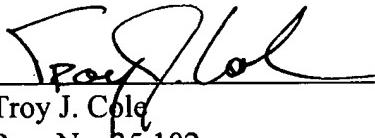
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For items of information contained in this Statement that are not in the English language, under §1.98(a)(3)(i) these items are understood to be relevant in that they relate to biosensors and were included in the results of searches conducted on behalf of Applicants.

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. However, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

Respectfully submitted

By: 
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT & TRADEMARK OWNER
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Sheet 1 of 38

Complete if Known

Application Number	10/687,850
Filing Date	October 17, 2003
First Named Inventor	David W. Burke
Group Art Unit	3736
Examiner Name	

Attorney Docket Number 7404-558

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		3,526,480	09/01/1970	Findl et al.	
		3,551,295	12/29/1970	Dyer	
		3,621,381	11/16/1971	Eckfeldt	
		3,715,192	02/06/1973	Wenz et al.	
		3,720,093	03/13/1973	Gill	
		3,763,422	10/02/1973	MacPhee et al.	
		3,770,607	11/06/1973	Williams	
		3,776,832	12/04/1973	Oswin et al.	
		3,838,033	09/24/1974	Mindt et al.	
		3,902,970	09/02/1975	Levin	
		3,919,627	11/11/1975	Allen	
		3,925,183	12/09/1975	Oswin et al.	
		3,937,615	02/10/1976	Clack et al.	
		3,980,437	09/14/1976	Kishimoto et al.	
		4,005,002	01/25/1977	Racine et al.	
		4,008,448	02/15/1977	Muggli	
		4,040,908	08/09/1977	Clark, Jr.	
		4,053,381	10/11/1977	Hamblen et al.	

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		AU 737 787	08/30/2001	Batman et al.		
		DE 36 43 263 .	07/07/1988	Hommel Host		
		DE 40 11 428 A1	11/29/1990	Kühn et al.		
		DE 298 14 997 U1 .	08/03/1993	LRE		
		DE 199 36 693	02/08/2001	LRE		
		EP 0 010 456 .	04/30/1980	Columbus		
		EP 0 034 049	08/19/1981	Columbus		
		EP 0 057 110 ,	08/04/1982	Columbus		

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>				<i>Complete if Known</i>	
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		Number-Kind Code ² (If known)			
		4,065,263	12/27/1977	Woodbridge, III	
		4,086,631	04/25/1978	Vick	
		4,123,701	10/31/1978	Josefsen et al.	
		4,127,448	11/28/1978	Schick et al.	
		4,184,936	01/22/1980	Paul et al.	
		4,214,968	07/29/1980	Battaglia et al.	
		4,217,196	08/12/1980	Huch	
		4,224,125	09/23/1980	Nakamura et al.	
		4,225,410	09/30/1980	Pace	
		4,230,537	10/28/1980	Delente et al.	
		4,233,029	11/11/1980	Columbus	
		4,260,680	04/07/1981	Muramatsu et al.	
		4,263,343	04/21/1981	Kim	
		4,265,250	05/05/1981	Parker	
		4,273,134	06/16/1981	Ricciardelli	
		4,273,639	06/16/1981	Gottermeier	
		4,297,569	10/27/1981	Flies	
		4,301,412	11/17/1981	Hill et al.	

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 073 056 A2	03/02/1983	Van		
		EP 0 084 874 A1	08/03/1983	Klesewetter		
		EP 0 101 880	03/07/1984	Preidel et al.		
		EP 0 127 958 B2	04/10/1996	Higgins et al.		
		EP 0 132 790 A2	02/13/1985	Kasielke et al.		
		EP 0 164 180	12/11/1985	Blake et al.		
		EP 0 171 148	02/12/1986	Shanks et al.		
		EP 0 171 239	02/12/1986	Ikeda et al.		

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First Named Inventor David W. Burke

Group Art Unit 3736

Examiner Name

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		4,303,887	12/01/1981	Hill et al.	
		4,323,536	04/06/1982	Columbus	
		4,329,642	05/11/1982	Luthi et al.	
		4,366,033	12/28/1982	Richter et al.	
		4,407,290	10/04/1983	Wilber	
		4,407,959	10/04/1983	Tsuji et al.	
		4,413,407	11/08/1983	Columbus	
		4,413,628	11/08/1983	Tamulis	
		4,420,564	12/13/1983	Tsuji et al.	
		4,431,004	02/14/1984	Bessman et al.	
		4,436,094	03/13/1984	Cerami	
		4,440,175	04/03/1984	Wilkins	
		4,476,149	10/04/1984	Poppe et al.	
		4,477,314	10/16/1984	Richter et al.	
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		EP 0 186 286	07/02/1986	Nylander et al.		
		EP 0 206 218 B1	06/03/1991	Wogoman		
		EP 0 213 343 B2	02/01/1995	Young et al.		
		EP 0 230 472 B2	12/13/2000	Nankai et al.		
		EP 0 241 309 A2	10/14/1987	Walton et al.		
		EP 0 244 326 B1	08/18/1993	Colin et al.		
		EP 0 255 291 B1	06/24/1992	Birch et al.		
		EP 0 287 883	10/26/1988	Blatt		

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		Number-Kind Code ² (if known)			
		4,545,382	10/08/1985	Higgins et al.	
		4,547,735	10/15/1985	Kiesewetter et al.	
		4,552,458	11/12/1985	Lowne	
		4,571,292	02/18/1986	Liu et al.	
		4,578,716	03/25/1986	van Rijckevorsel et al.	
		4,592,893	06/03/1986	Poppe et al.	
		4,628,193	12/09/1986	Blum	
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		4,648,665	03/10/1987	Davis et al.	
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		4,654,197	03/31/1987	Lilja et al.	
		4,671,288	06/09/1987	Gough	
		4,676,653	06/30/1987	Strohmeier et al.	
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		4,682,602	07/28/1987	Prohaska	
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 359 831	03/28/1990	Nankai et al.		
		EP 0 383 322 B1 .	02/05/1997	Seshimoto et al.		
		EP 0 417 796 B1 .	11/23/1994	Ishihara et al.		
		EP 0 470 649 B1 .	06/02/1999	Unilever et al.		
		EP 0 471 986 A2	02/26/1992	Nankai et al.		
		EP 0 471 986 A3 .	04/29/1992	Nankai et al.		
		EP 0 471 986 B1	10/18/1995	Nankai et al.		
		EP 0 537 761 A3 .	02/02/1994	Yoshioka et al.		

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		4,711,245	12/08/1987	Higgins et al.	
		4,713,347	12/15/1987	Mitchell et al.	
		4,714,874	12/22/1987	Morris et al.	
		4,731,726	03/15/1988	Allen, III	
		4,734,184	03/29/1988	Burleigh et al.	
		4,750,496	06/14/1988	Reinhart et al.	
		4,759,828	07/26/1988	Young et al.	
		4,789,804	12/06/1988	Karube et al.	
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		4,805,624	02/21/1989	Yao et al.	
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		4,806,312	02/21/1989	Greenquist	
		4,810,203	03/07/1989	Komatsu	
		4,816,224	03/28/1989	Vogel et al.	
		4,820,399	04/11/1989	Senda et al.	
		4,820,636	04/11/1989	Hill et al.	
		4,832,814	05/23/1989	Root	

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		EP 0 537 761 B1	08/27/1997	Yoshioka et al.		
		EP 0 546 536	06/16/1993	Yenoyama et al.		
		EP 0 636 880 A2	02/01/1995	Nankai et al.		
		EP 0 640 832	03/01/1995	Hughes Aircraft		
		EP 0 651 250 A2	05/03/1995	Hyodo et al.		
		EP 0 732 406 A1	09/18/1996	Ikeda et al.		
		EP 0 732 590 A2	09/18/1996	Charlton et al.		
		EP 0 741 186 B1	10/17/2001	Genshaw et al.		

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		4,834,234	05/30/1989	Sacherer et al.	
		4,849,330	07/18/1989	Humphries et al.	
		4,865,873	09/12/1989	Cole, Jr. et al.	
		4,877,580	10/31/1989	Aronowitz et al.	
		4,897,162	01/30/1990	Lewandowski et al.	
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		4,927,516	05/22/1990	Yamaguchi et al.	
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		4,956,275	09/11/1990	Zuk et al.	
		4,963,814	10/16/1990	Parks	
		4,970,145	11/13/1990	Bennetto et al.	
		4,975,647	12/04/1990	Downer et al.	

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		EP 0 837 320 A3	12/30/1998	Howard, III		
		EP 0 840 122 A2	05/06/1998	Charlton et al.		
		EP 0 851 224	07/01/1998	Ikeda et al.		
		EP 0 859 230	08/19/1998	Setford		
		EP 0 876 506	07/09/2003	Henning et al.		
		EP 0 878 713	11/18/1998	Bayer AG		
		EP 0 887 421 A1	12/30/1998	Matzinger et al.		
		EP 0 894 509 A2	02/03/1999	Herman		

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 942 278 A2	09/15/1999	Kim et al.		
		EP 0 958 495	11/13/2002	Heller et al.		
		EP 0 964 059	12/15/1999	Ikeda et al.		
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		EP 1 024 358 A1	08/02/2000	Kawanaka et al.		
		EP 1 035 216 A1	09/13/2000	Sang et al.		
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				Application Number	10/687,850
				Filing Date	October 17, 2003
				First Named Inventor	David W. Burke
				Group Art Unit	3736
				Examiner Name	
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		EP 1 143 245	10/10/2001	Roche		

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First Named Inventor

David W. Burke

Group Art Unit

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 1 147 739 A2 .	10/24/2001	Essenpreis et al.		
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		EP 1 288 653 A1	03/05/2003	Roche		
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		EP 1 327 881	07/16/2003	Hodges et al.		

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First Named Inventor

David W. Burke

Group Art Unit

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		EP 1 352 969	10/15/2003	Ikeda et al.		
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		EP 1 394 535	03/03/2004	Davies et al.		
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		GB 2 365 123	02/13/2002	Murdo		
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		JP 04-121652	04/22/1992	Okuma		
		JP 08-262026	10/11/1996	Charlton et al.		
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		WO 83/00926	03/17/1983	Clark		

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Application Number	10/687,850
Filing Date	October 17, 2003
First Named Inventor	David W. Burke
Group Art Unit	3736
Examiner Name	

Attorney Docket Number 7404-558

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		Number-Kind Code ² (If known)			
		5,670,031	09/23/1997	Hintsche et al.	
		5,682,884	11/04/1997	Hill et al.	
		5,686,659	11/11/1997	Neel et al.	
		5,691,486	11/25/1997	Behringer et al.	
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		5,698,083	12/16/1997	Glass	
		5,700,695	12/23/1997	Yassinzadeh et al.	
		5,708,247	01/13/1998	McAleer et al.	
		5,710,622	01/20/1998	Neel et al.	
		5,719,667	02/17/1998	Miers	
		5,720,862	02/24/1998	Hamamoto et al.	
		5,723,284	03/03/1998	Ye	
		5,727,548	03/17/1998	Hill et al.	
		5,728,074	03/17/1998	Castellano et al.	
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 86/07632	12/31/1986	Nankai et al.		
		WO 89/08713	09/21/1989	Pottgenea		
		WO 89/09397	10/05/1989	Nankai et al.		
		WO 90/05293	05/17/1990	Michel		
		WO 92/01928	02/06/1992	Cozzette et al.		
		WO 92/07655	05/14/1992	Cox et al.		
		WO 92/15859	09/17/1992	Adrian et al.		
		WO 92/15861	09/17/1992	Grant et al.		

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		WO 92/15950 .	09/17/1992	Arbuckle et al.		
		WO 92/22669	12/23/1992	Gullick		
		WO 93/09433	05/13/1993	Gharib		
		WO 94/12950	06/09/1994	Holmes et al.		
		WO 94/16095	07/21/1994	Zweig		
		WO 94/23295	10/13/1994	McAleer et al.		
		WO 94/28414	12/08/1994	Athey et al.		
		WO 94/29705	12/22/1994	White et al.		

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		WO 95/03542 .	02/02/1995	Scott et al.		
		WO 95/06919	03/09/1995	Collins et al.		
		WO 95/07050 .	03/16/1995	Lennert et al.		
		WO 95/22597	08/24/1995	Diebold et al.		
		WO 96/04398 .	02/15/1996	Sanghera et al.		
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		WO 96/13707 .	05/09/1996	Connolly		
		WO 96/15454	05/23/1996	Braach-		

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		WO 96/33403	10/24/1996	Higson		
		WO 97/00441	01/03/1997	Hodges et al.		
		WO 97/02487	01/23/1997	Pritchard et al.		
		WO 97/08544	03/06/1997	Wojciechowski		
		WO 97/16726	05/09/1997	Sullivan		
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		WO 97/29366	08/14/1997	Braach-		
		WO 97/29847	08/21/1997	McAleer et al.		

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First Named Inventor

David W. Burke

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		WO 97/30344 .	08/21/1997	McAleer et al.		
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		WO 98/19159	05/07/1998	Douglas et al.		
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		WO 99/05966	02/11/1999	Alton et al.		
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		6,272,364	08/07/2001	Kurnik	
		6,277,641	08/21/2001	Yager	
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		WO 99/12021	03/11/1999	Han		
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		WO 99/30152	06/17/1999	Crismore et al.		

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				Filing Date	October 17, 2003
				First Named Inventor	David W. Burke
				Group Art Unit	3736
				Examiner Name	
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		WO 99/32881 .	07/01/1999	Beaty et al.		
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		WO 00/09996	02/24/2000	Fuller et al.		
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		WO 00/45160	08/03/2000	Hefti et al.		
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First Named Inventor

David W. Burke

Group Art Unit

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		WO 00/78917 A1 .	12/28/2000	Lea		
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		WO 01/73114	10/04/2001	Ouyang		
		WO 01/73124	10/04/2001	Davies et al.		
		WO 01/73395	10/04/2001	Hodges		
		WO 01/73420 A1	04/10/2001	Tokuno et al.		
		WO 01/74242	10/11/2001	Shartle		
		WO 01/75433	10/11/2001	Shartle		
		WO 01/75438 A2	10/11/2001	Shartle et al.		
		WO 01/84133 A1	11/08/2001	Miyazaki et al.		

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				Application Number	10/687,850
				Filing Date	October 17, 2003
				First Named Inventor	David W. Burke
				Group Art Unit	3736
				Examiner Name	
Sheet	28	of	38	Attorney Docket Number	7404-558

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		6,531,239	03/11/2003	Heller	
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		6,544,474	04/08/2003	Douglas	
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		2003 0073151	04/17/2003	Phillips et al.	
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		WO 01/84142 .	11/08/2001	Eden et al.		
		WO 01/88524	11/22/2001	Heller et al.		
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		WO 01/96596 .	12/20/2001	Guo et al.		
		WO 02/00112 A2	01/03/2002	Cohen et al.		
		WO 02/054055 A1	07/11/2002	Jin et al.		
		WO 02/057767 A1	07/25/2002	Watanabe et al.		

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		WO 02/057768 A .	07/25/2002	Iketaki Kazuo		
		WO 02/057781	07/25/2002	Khan et al.		
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		WO 02/062212 .	08/15/2002	Moerman et al.		
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 02/078512 A2	10/10/2002	Drucker et al.		
		WO 02/078533	10/10/2002	Moerman et al.		
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		WO 02/08753 A2	01/31/2002	Woodhead et al.		
		WO 02/086483	10/31/2002	Tokunaga et al.		
		WO 02/093152	11/21/2002	Heller		
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		WO 02/10728	02/07/2002	Pan et al.		
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		WO 02/22855	03/21/2002	Ouyang et al.		
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				First Named Inventor	David W. Burke
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Substitute for form 1449B/PTO				Complete if Known	
				Application Number	10/687,850
				Filing Date	October 17, 2003
				First Named Inventor	David W. Burke
				Group Art Unit	3736
				Examiner Name	
Sheet	35	of	38	Attorney Docket Number	7404-558

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published			
		Aoki et al., "Quantitative Analysis Of Reversible Diffusion Controlled Currents of Redox Soluble Species At Interdigitated Array Electrodes Under Steady-State Conditions", J. Electroanal. Chem. 256 (1988) 269-282			
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		Koichi, "Measurements of Current-Potential Curves, 6, Cottrell Equation and its Analogs. What Can We Known from Chronoamperometry?" Denki Kagaku ovopi Kogyo Butsuri Kagaku, Vol. 54, no. 6, pp. 471-5 (1986)			
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		Lifescan Owner's Booklet Entitled "The Comfort of Control"			
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		Lifescan Product Brochure For Onetouch® Ultra™ Test Strip			
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		Myland et al., "Membrane-Covered Oxygen Sensors: An Exact Treatment of the Switch-on Transient," Journal of the Electrochemical Society, Vol. 131, pp. 1815-1823 (Aug. 1984)			
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		Wollenberger et al., "Interdigitated Array Microelectrodes For The Determination Of Enzyme Activities", Analyst, June 1994, 1245-1249			
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		Zhao, "Electrical Impedance and Haematocrit of Human Blood with Various Anticoagulants," Physiol. Meas., Vol. 14, pp. 299-307 (1993)			

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